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Committee on the Peaceful Uses of Outer Space
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Agenda item 13
Review of international mechanisms for cooperation in the peaceful exploration and use of outer space

Draft report of the Chair of the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space

1. In accordance with General Assembly resolution 68/75, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its 878th meeting, on 24 March 2014, established a working group on agenda item 13, entitled "Review of international mechanisms for cooperation in the peaceful exploration and use of outer space". The Working Group on International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space was chaired by Setsuko Aoki (Japan).

2. The Working Group held [...] meetings, from 28 March to [...] April 2014. At the opening meeting, the Chair outlined the mandate of the Working Group under its multi-year workplan (A/AC.105/1003, para. 179).

3. The Working Group had before it the following:

(a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Algeria, Germany and Kenya (A/AC.105/C.2/105), Argentina (A/AC.105/C.2/105/Add.1) and the International Law Association (A/AC.105/C.2/105/Add.2);

(b) Conference room paper on space cooperation mechanisms in the Russian Federation, containing information received from the Russian Federation (A/AC.105/C.2/2014/CRP.23);

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(c) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Japan (A/AC.105/C.2/2014/CRP.24);

(d) Conference room paper containing a summary of international cooperative mechanisms utilized by Canada in the peaceful exploration and use of outer space (A/AC.105/C.2/2014/CRP.25);

(e) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presented by ESA entitled "The European Space Agency as mechanism and actor of international cooperation" (A/AC.105/C.2/2014/CRP.28).

4. The Working Group also had before it a non-paper by the Chair containing a draft set of questions for its consideration.

5. At the first meeting of the Working Group, the Chair presented the draft set of questions, focusing on the need to identify a way to categorize mechanisms for international cooperation, so as to allow the Working Group to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which States favoured certain types of mechanisms over others.

6. The Working Group noted that categorizing mechanisms for international cooperation would lead to a better understanding of the different approaches to cooperation in space activities taken by States and international organizations and that the findings would assist the Working Group in identifying what types of mechanisms were being used and their legal content. An analysis of the findings would allow the Working Group to consider how its work could contribute to the further strengthening of international cooperation in the peaceful exploration and use of outer space.

7. The Working Group considered in detail the draft set of questions presented by the Chair and noted that these constituted a tool to enable the Working Group to meet its objectives under its multi-year workplan. The agreed set of questions is presented in paragraph 9 below.

8. The Working Group agreed that States members of the Committee on the Peaceful Uses of Outer Space and international intergovernmental and non-governmental organizations having permanent observer status with the Committee should again be invited by the Secretariat to provide examples and information on the mechanisms for international cooperation they utilized for space cooperation.

9. The Working Group encouraged States members of the Committee and permanent observers to the Committee to refer to the following set of questions, as appropriate and on a voluntary basis, for guidance on their contributions to the work of the Working Group:

1. What is the main area of your cooperation (e.g., space exploration, scientific research, testing, education and personnel training, global navigation, disaster management through remote sensing, commercial launch services, etc.)?

2. Is this multilateral or bilateral cooperation (e.g., intergovernmental cooperation, inter-agency cooperation, cooperation between non-governmental entities, mixed cooperation, etc.)?

3. What is the duration of the cooperation?

4. Does a national space agency play a key role in the cooperation?

5. Does a national authority or institution other than a space agency play an important role in the cooperation (e.g., a scientific institution, meteorological agency, development or financial assistance authority, etc.)?

6. Are private companies or industries directly involved in the cooperation?

7. Is the cooperation conducted within the framework of:

(a) The United Nations and its specialized agencies;

(b) Independent intergovernmental organizations;

(c) Regional or interregional space cooperation organizations or mechanisms;

(d) Non-governmental organizations;

(e) Other types of forums?

8. Is the cooperative mechanism multilateral or bilateral?

9. Is the cooperative mechanism:

(a) A legally binding agreement;

(b) A non-legally binding arrangement (if so what kind of arrangement);

(c) A combination of both?

10. Is the cooperative mechanism constituted by a framework agreement, either multilateral or bilateral, and is it accompanied by an implementing agreement or arrangement and/or a memorandum of understanding for technical cooperation and coordination within the cooperation?

11. What kinds of provisions do the legally binding agreement and/or non-legally binding arrangement contain? The following types of provisions serve as examples and may be referred to, as appropriate:

(a) Best effort clauses;

(b) Jurisdiction clauses;

(c) Financial arrangements or no exchange of funds;

(d) Exchange of technical data and goods;

(e) Provisions which pursue international responsibility and liability;

(f) Cross waiver of liability;

(g) Rules on intellectual property rights and ownership;

(h) Peaceful settlement of disputes clause;

(i) Other types of provision?

12. Is it clearly provided for in the legally binding agreement or non-legally binding arrangement that the operation of the project shall be conducted in accordance with the United Nations treaties on outer space and in consideration of principles on outer space and related General Assembly resolutions (resolutions on the concept of the launching State, registration practice, national legislation etc.)?